testify in his own behalf, and the prosecution comments upon such failure to the jury, such comments constitute reversible error.

Prosecution has no right whatever to refer to the defendant, as to why he did not clear up the affair. *People v. Doyle*, 12 N. Y. 836. No language shall be used by the prosecution to give to the jury the impression that since the defendant did not testify, his guilt is established. *Wilson v. U. S.*, 149 U. S. 60. And the state cannot refer indirectly to the fact that the defendant did not take the stand, for it may cause in the minds of the jurors a presumption of guilt. *State v. Moxley*, 102 Mo. 374. *Austin v. State*, 102 Ill. 261. *Dawson v. State*, 24 S. W., 414.

CRIMINAL LAW—LIMITING ARGUMENT OF COUNSEL—DISCRETION OF COURT. PEOPLE V. FERNANDEZ, 87 PAC. 1112 (CAL.). *Held*, that an order of the court, limiting the time of the argument of counsel to one and three-fourth hours to each side, was an abuse of discretion, requiring a reversal, on it appearing that the counsel for defendant objected thereto, and showed that he could not complete his argument within the time limited.

The constitutional provision guarantying to an accused the right to be heard by himself or counsel, does not deprive the court of the discretionary power to limit the argument of defendant's counsel, to a certain length of time. *Peagler v. State*, 110 Ala. 11. The limitation is within the discretion of the trial court. *People v. Kelly*, 94 N. Y. 526. With this discretion the appellate court will not interfere unless it clearly appears from the record that the rights of the prisoner were prejudiced. *State v. Shores*, 31 W. Va. 491. What shall be an unreasonable limit depends upon the circumstances of the case, its complexity or simplicity, the amount and character of the testimony, the number of witnesses and time consumed in hearing the case. *12 Cyc. 569.* The rule does not apply to arguments on motions and questions arising during the trial. *State v. Jones*, 117 N. C. 768. The courts of Montana, contrary to the general rule hold that in fixing in advance, the exact time needed cannot be correctly determined, and if the court so fixes there is error. *State v. Tighe*, 27 Mont. 327.

CRIMINAL LAW—PLEA IN BAR—EXISTENCE OF COURT—STATE V. HALL, 55 S. E. 806 (N. C.).—*Held*, an alleged plea to the jurisdiction of the court in a criminal case, alleging that the court was not lawfully constituted because the governor was out of the state at the time he directed the holding of the term, and signed the judge's commission, was a nullity, since the court could not pass on its own existence as a court.

Jurisdiction is the power to hear and determine a cause, the authority by which judicial officers take cognizance of and decide causes, *U. S. v. Arredondo*, 31 U. S. 691. The institution of a suit in a court that has no jurisdiction is null. *Mora v. Kuzae*, 21 La. Ann. 754. The proper course is to dismiss the action and not direct a verdict for the defendant, as that would be an exercise of jurisdiction and not a disclaimer thereof. *Clark v. Car.* 45 Ill. App. 469. The doctrine of a *de facto* officer does not apply even though one is in possession of an office and exercising its functions with silent public acquiescence, though wrongfully in possession, is an officer *de facto* and his acts binding, *Ellis v. Deaf and Dumb Asylum*, 68 N. C. 423; for there cannot be a *de facto* officer without a *de jure* office. *Willard v. Pike*, 59 Vt. 202.

DEATH-ACTION GROUNDS AND MEASURE OF DAMAGES.—WILMONT V. MCPADDEN, 65 ATL. 157 (CONN.).—In an action for the death of a child, *Held*, that